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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,089	09/01/2000	Ken Watanabe	500.39008X00	5928

20457 7590 10/21/2003

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EXAMINER

PUENTE, EMERSON C

ART UNIT	PAPER NUMBER
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2184

DATE MAILED: 10/21/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/654,089	Applicant(s) WATANABE ET AL.	
	Examiner Emerson C Puente	Art Unit 2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7 and 10-12 is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/1/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Applicant's amendment necessitated the new ground(s) of rejection for claims 13-18 presented in this Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 -18 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by European Patent Application No. 0674262 of Carlson et al. referred hereinafter "Carlson".

In regards to claim 13, Carlson discloses:

transmitting periodically a signal different from data to said transmission side transfer path. Carlson discloses returning an acknowledgement if signal is received (see column 5 lines 43-44);

monitoring whether or not a signal different from data is received from said reception side transfer path, said signal to be monitored being periodically received from said other inter-network apparatus. Carlson discloses periodic handshaking wherein short signals are sent to the other controller which returns an acknowledgement (see column 5 lines 40-45);

judging that a failure occurs in said other inter-network apparatus or on said reception side transfer path, when detecting that said signal to be monitored is not received from said reception side transfer path. Carlson discloses the failure of one of the unit controllers to receive an appropriate signal provides an indication that the other unit has suffered a problem (see column 5 lines 44-47).

thereafter stopping transmitting said signal to be transmitted periodically to said transmission side transfer path. Carlson discloses returning an acknowledgement if signal is received, which means the acknowledgement or signal is not sent if the signal is not received,

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thus indicating thereafter stopping transmitting said signal to be transmitted periodically to said transmission side transfer path (see column 5 lines 40-45).

In regards to claim 14, Carlson discloses in said step of transmitting said signal different from data, a control signal is transmitted during a period other than a data communication period. Since the periodic handshaking occurs independent of the data communication, there must be an instance or period wherein a signal is transmitted and there is no data communication. Thus it is inherent a control signal is transmitted during a period other than a data communication period.

In regards to claim 15, Carlson discloses in said step of transmitting said signal different from data, a signal representing that an own inter-network apparatus operates normally is transmitted (see column 5 lines 40-45).

In regards to claim 16, Carlson discloses:

transmitting periodically or continuously a link-up signal to said other inter-network apparatus via said cable. Carlson discloses periodic handshaking wherein short signals are sent to the other controller which returns an acknowledgement (see column 5 lines 40-45);

confirming periodically whether or not a link-up signal is received from said cable, said link-up signal to be confirmed being periodically received from said other inter-network apparatus. Carlson discloses returning an acknowledgement if signal is received (see column 5 lines 43-44);

judging that a failure occurs in said other inter-network apparatus or on said second transfer path of said cable, when detecting that the link-up signal to be confirmed is not received from said cable. Carlson discloses the failure of one of the unit controllers to receive an appropriate signal provides an indication that the other unit has suffered a problem (see column 5 lines 44-47); and

thereafter stopping transmitting said link-up signal to be transmitted periodically to said other inter-link apparatus, to thereby cause said other inter-link apparatus to detect the occurrence of the failure. Carlson discloses returning an acknowledgement if signal is received, which means the acknowledgement or signal is not sent if the signal is not received, thus indicating thereafter stopping transmitting said signal to be transmitted periodically to said transmission side transfer path (see column 5 lines 40-45).

In regards to claim 17, Carlson discloses in said step of transmitting said link-up signal, said link-up signal is transmitted during a period other than a data communication period. Since the periodic handshaking occurs independent of the data communication, there must be an instance or period wherein a signal is transmitted and there is no data communication. Thus it is inherent a link-up signal is transmitted during a period other than a data communication period.

In regards to claim 18, Carlson discloses in said step of stopping transmitting said link-up signal, transmission of said link-up and data is stopped (see column 5 lines 40-50).

Allowable Subject Matter

Claims 2-7 and 10-12 are allowable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Emerson Puente, whose telephone number is (703) 305-8012. The examiner can normally be reached on Monday-Friday from 8:00AM- 5:00PM, first Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Robert Beausoliel*, can be reached on (703) 305-9713 or via e-mail addressed to [*robert.beausoliel@uspto.gov*]. The fax number for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**emerson.puente@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 305-3900.

Emerson Puente
10/12/03


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100